

Before the Federal Communications Commission

In the Matter of: PR Docket #92-136

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I am Joseph Eisenberg, holder of Amateur Extra Class license WA0WRI. I have been licensed for almost 24 years and have also served as a frequency coordinator for amateur stations in repeater operation for 16 years. My comments in this docket will cover several areas of concern.

MAIL BRANCH

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

First, the general principle of allowing for more personal business to be conducted as well as enhanced public service communications is commendable. I do sincerely believe that we as amateurs have been saddled with this onerous restriction for too long. It is our ability to serve the public that justifies our existence as a service. To be able to better serve the public, whether by our weather watching activities or helping coordinate parades, races, or other events is the goal that would be attained through the revisions proposed in this docket. I do, therefore, agree with the changes in 97.113 proposed to this end.

I do, however, find some shortcomings in the language proposed to accomplish the aims of this docket. The ability to retransmit certain United States Government radio services is desirable, but the actual wording of that section (97.113 e) as proposed is inadequate to meet current and future needs. The specification of only propagation, weather and shuttle transmissions leaves out one important transmission that is carried with the propagation signals. That is the time information, transmitted by WWV. Furthermore, specifying the Space Shuttle as the only type of spacecraft permitted to be retransmitted by permission is also too specific. With the coming construction of the space station Freedom in the next few years, manned operation from space will become a daily occurrence in the Amateur service from a spacecraft other than the Shuttle itself. Therefore, I propose to also alter the wording of the proposed 97.113 (e) to substitute "manned spacecraft" for the word "shuttle" or "space shuttle" where it occurs. This will allow for the uninterrupted amateur participation in our space program without necessary revision in the Part 97 rules. My simple revision of the proposed 97.113 (e) follows:

97.113 (e)

No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station except time, propagation, and weather information originating on United States Government stations, and communications originating on United States Government frequencies between a manned spacecraft and its associated Earth stations. Prior approval for such manned spacecraft retransmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions

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must be for the exclusive use of amateur operators. Time, propagation, weather, and manned spacecraft retransmissions may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.

I have eliminated the word "forecast" from this paragraph as it is superfluous in dealing with the retransmission of stations such as the NOAA weather radio system. By adding the word "time" I have clarified the rule to allow for retransmission of such stations as WWV, which only transmits propagation information during one minute of every hour, but continuously transmits time information vital to proper amateur operation. This time information is used universally by amateurs to track spacecraft, schedule nets, and other communications. By also continuing to specify manned spacecraft transmissions originating on US Government frequencies, it is still clear that the manned spacecraft section applies only to those spacecraft operated by or in association with the United States Government. As space exploration progresses, the possibility of either joint space exploration with other nations or commercial spacecraft with amateur operations onboard to come into play. This rule, as I have worded it will allow for NASA supervision of retransmissions under its jurisdiction.

As to the concerns about 97.113 (a) (3) prohibiting music, I do believe there should also be a very narrow relief from its blanket prohibition. Mr. Ruh is primarily concerned with music being transmitted along with an associated video signal. Since these types of transmissions are restricted to the frequencies above 420 MHz, there would not be the problems resulting from music being transmitted in inappropriate modes on other amateur bands, especially the HF allocations. As an active operator of amateur television equipment myself, I understand the reasoning behind such a request. There is a wealth of instructional material dealing with technologies of interest to radio amateurs that could be exchanged through the medium of amateur television. Some of this video material has music in the background as an unimportant part of its production or as part of a historical perspective of electronic communications such as early radio. As part of the Basis and Purpose of the amateur service, the training of operators and technicians is mentioned. Video materials have become an essential part of that in today's world. It would be difficult, if not impossible to filter out all of what might be considered music to make this material suitable for use on amateur frequencies. Therefore, I would like to propose a paragraph, 97.113 (g) to deal with this question.

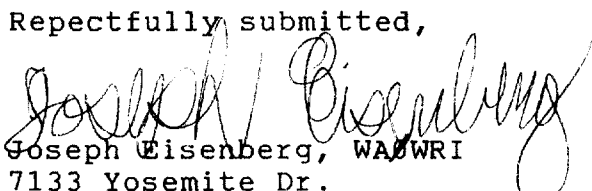
Proposed 97.113 (g)

Music may be transmitted by amateur stations only as a non-essential part of a television transmission in the amateur bands above 420 MHz. These transmissions must be for the exclusive use of amateur operators and not intended for the use of the general public.

I think this wording will allow for this type of transmission to take place, while specifically prohibiting its use in transmissions aimed at the public, such as broadcasting.

In conclusion, I do believe that there is a need for relaxation of the Part 97 rules to allow for greater amateur participation in public service communications and personal business communications as long as it is not for hire nor the gain of an amateur's employer. I do believe that peer pressure in the amateur community will effectively prohibit abuses of this rule, especially 97.113 (4) as proposed. With the growth of lower cost commercial services, such as cellular telephones, there will be little incentive for an amateur licensee to violate this provision. I do also feel that the wording of 97.113 (e) as proposed is inadequate, and I have provided my substitute wording for the consideration of the Commission. And finally, I do believe that some provision for the limited transmission of music is also warranted as I have specified in my proposed 97.113 (g). I thank you for your consideration of my opinions in this Docket.

Respectfully submitted,


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